

**MINUTES OF THE CITY PLANNING COMMISSION WITH THE
NEIGHBORHOOD AND PUBLIC SERVICES COMMITTEE
SPECIAL MEETING
WESTWOOD TOWN HALL
Harrison and Montana**

**July 16, 2003
7 – 9 P.M.**

Present: Appointed Members: Donald Mooney, Peter Witte; Debra Holston, City Manager's Alternate; Community Development and Planning Staff: Peg Moertl, Director; Skip Forwood, Acting Chief Planner

Councilmembers: David Pepper, Chairperson, Y. Laketa Cole, Vice Chair, Chris Monzel, David Crowley

Mr. Pepper called the meeting to order.

INTRODUCTORY COMMENTS

Mr. Pepper stated that it is thought that these joint meetings are appropriate and important. There have been a lot of suggestions and concerns regarding the zoning code update for a number of years. Mr. Pepper stated that the process included input from neighborhoods and there has been follow up on some of the input. Mr. Pepper commended the staff of the Community Development and Planning Department for their work on the zoning code update. Mr. Pepper acknowledged that the light turnout means a lot of good work has been done over the last couple of months. Mr. Pepper stated there have been several meetings over the last few months. Mr. Pepper introduced Mr. Mooney, Chairman of the City Planning Commission.

Mr. Mooney stated that the Planning Commission and staff have been working on the zoning code for several years. Mr. Mooney stated that the current code goes back to 1963. The zoning code needs to more accurately reflect the existing land use. The current code does not balance the needs of the developer with those of the community. One of the main objectives of the zoning code update is to make it clearer, easier to work with, i.e. over the Internet and provide a tool for more single-family ownership in Cincinnati.

OVERVIEW OF THE ZONING CODE UPDATE

Ms. Moertl presented a PowerPoint slide presentation (attached) addressing:

- Background
- Zoning Basics

- Problems of the existing code
- Public participation
- Public Participation
- Key Themes of the Updated Code
 - Performance-Oriented Approach
 - Simplified District Framework
 - Updated Use Regulations

Mr. Monzel asked if the updated code would be flexible enough to be able to reflect land uses as they change. Ms. Moertl responded that as new land uses are proposed by property owners or City Council, the updated code clarifies and streamlines the process required for making those changes to the code.
 - Streamlined Administration
- Highlights of the Updated Code
 - New Use Categories and Matrix
 - Use Chart
 - Single-Family (SF-4 and SF-2) Districts
 - Cluster Housing
 - Planned Development Districts
 - Commercial Districts

Mr. Crowley asked if the term district has a specific definition. Ms. Moertl responded that a district is a base designation.
 - Buffer Yards
 - Hillside and Urban Design Districts
 - Zoning Hearing Examiner

Mr. Monzel asked who the hearing examiner will report to. Ms. Moertl responded who the hearing examiner will report to needs to be worked out; some recommendations have been made but no decision has been made. Mr. Crowley asked if there would be only one hearing examiner. Ms. Moertl responded that would be the expectation.
- Zoning Mapping

Mr. Pepper asked with the new configuration, what percentage is single-family. Ms. Moertl responded single-family is about double the existing or 53% (showed a map of the city comparing single-family districts now and as proposed responded). Mr. Witte asked if the lot size change is a driver that reduced the lot size to a more urban single-family lot size. Ms. Moertl responded that staff came to grips with this only this morning when the maps were finalized and were struck by how dramatic transition. David Efland, Senior City Planner, Community Development and Planning stated that it is the philosophy of zoning for the existing land uses as well as the ability to have smaller lot sizes.

Mr. Monzel asked if a person who has a SF-10 divide their land and create five SF-2. Steven Kurtz, Administrator, Land use Management responded if a person is in an SF-10 and has 15,000 square feet lot, it could not be broken up and to build two houses because there has to be a minimum of a 10,000 square foot lot per dwelling unit.

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Mr. Monzel asked what is meant by "since there is no comprehensive plan land use policy statement, staff cannot rezone areas during this process based on community input and wish lists." Ms. Moertl responded that at any time that a property owner or a councilperson has the ability to request a zone change. The caution is that property rights cannot be more restrictive to the present property owner without a process.

Mr. Pepper stated that he feels staff is limited to as far as they can take this and this was simply an effort to change the way the city zones and to reflect that change in the new maps but with this process the city cannot do all the things that a neighborhood may want without a comprehensive plan.

Mr. Mooney stated that from the City Planning Commission's point of view they would have liked to have done the comprehensive plan. In the absence of a comprehensive plan, the updated zoning code does give the city the tools to work with neighborhoods who have a neighborhood plan or want to do a plan focusing on a neighborhood or a part of the neighborhood. With smaller lot sizes, the city would have a tool to rezone to single-family in parts of the city that are shown in brown on the map in the presentation.

Ms. Cole is concerned that in Camp Washington the rezoning split a building so that part of the building will be residential and part commercial. Mr. Kurtz responded it was a mistake and staff needs to hear about these to correct them.

- Next Steps

Mr. Crowley asked Ms. Moertl what makes the new code more enforceable. Ms. Moertl responded that the Community Development and Planning Department develops with the Planning Commission and City Council what the code is; the code is enforced by the Department of Buildings and Inspections. With potential zone changes and ongoing enforcement, the code is clearer and there are fewer gray areas which should help the field enforcement folks to do their job without so many hearings and appeals.

Mr. Crowley asked if the Department of Buildings and Inspections has been working with Community Development and Planning on the development of the zoning code. Ms. Moertl responded that Reggie Lyons was a key part of the technical review team.

Mr. Pepper asked if in six months something in a zone requirement is unworkable in the code if it can be changed. Mr. Mooney responded that within the first year the code could be amended as things are found that need to be improved.

PUBLIC INPUT

Gerry Krauss, 1227 Stratford Place, 45229, stated that she is speaking on behalf of the 24 neighbors on Stratford Place and Paddock Road that abuts Stratford Place to object to the proposed downgrading from R1-A (SF-20 in the updated code) to SF-20. This area has been zoned R1-A for over 25 years. The R1-A was originally put into place to stop the subdividing the neighborhood. She had pictures to show the effect of zoning less than SF-20. She submitted in writing reasons to keep SF-20 along with signatures of everyone on Stratford Place. Ms. Krauss feels the most important need to keep SF-20 is because that is what the property owners in the area want.

Marvin Krauss, 1227 Stratford Place, 45229 stated that he is requesting this to be treated as a zone change request because the residents want the SF-20 and objects to the SF-10 and save everyone the time, trouble and expense of having to petition for a zone change. Mr. Krauss stated that this is not spot zoning as areas adjacent to this one and across the street are SF-20.

Mr. Mooney stated that the Planning Commission has the discretion to ask informally or by a vote to direct staff to make a change to SF-20. Ms. Moertl stated that if the property owners who were left with a nonconforming use, it would be difficult to do any additions or enhancements. Mr. Mooney responded that if everyone signed the petition it would be a win-win situation to ask staff to make this change to SF-20.

Mr. Mooney asked if B&Bs and day cares are conditional uses in the SF-20 or uses as-of-right. Mr. Kurtz responded that a day care center of six children or less is permitted in a residential district and a B&B is a conditional use in an SF-10 on down.

Betty Kamuf, 6421 Gracely Drive, 45233 is from Sayler Park and has been trying to save old houses from being demolished and replaced for 22 years. Sayler Park has 33 lots that are over an acre and over 100 or more that are over a half-acre. Ms. Kamuf is concerned that one house could be torn down and replaced with three to seven houses under the new zoning code. In 1985, Sayler Park was advised to protect the old houses with zoning which was done and there have been no more houses torn down. The new zoning code will take Sayler Park back to 1985 when old houses were being torn down. The new zoning code places two family houses in multi-family districts which will destroy Sayler Park.

Mr. Mooney asked staff what the current zoning code requires now. Julia Carney, Senior City Planner, Community Development and Planning responded that the currently zoning allows 5,000 square foot lots and the proposed zoning code requires 6,000 square feet. Ms. Carney also stated that the two-families will become nonconforming and permitted to continue as long as they are in existence and owner operated.

Mr. Mooney suggested that Sayler Park get with staff within the next month and look at pieces of Sayler Park rather than Sayler Park as a whole. Ms. Moertl stated that Julia Carney would follow up with Ms. Kamuf.

Mr. Kurtz stated that staff's flexibility is limited because there is no comprehensive plan with land use policy. Staff looked at each existing zoning district and tried to determine the predominant land use and lot size within the existing district.

Ernie Macke, 7126 Fernbank Avenue, 45233, President of the Sayler Park Village Council stated that Sayler Park wants to maintain the small town charm with nice homes, large lots and tree-lined streets. Mr. Macke stated that Sayler Park understands the need for growth and development and wants to work with the city to help achieve those goals. Mr. Macke stated that Sayler Park requested several changes to the zoning maps:

- Change RFC to RFR on all riverfront property west of the MSD plant.
- Change SF-6 to SF-10 for all property just south of Hillside Avenue, west of Monitor Avenue and north of the community center and subdivision areas.
- Change the zoning for a number of properties bordering River Road and Gracely Drive from SF-6 to SF-10 primarily between Revere and Monitor Avenues and Wilkens Short to Catalba.

Mr. Macke stated that with planned improvements to Fernbank Park, Sayler Park believes they can grow with development that is complimentary to the neighborhood and meet the city's goals. Mr. Macke will e-mail a copy of the community's concerns in the morning (Thursday, 7/17/03).

Elliott M. Ellis, 1724 Fairmount Avenue, 45214 is a resident of South Fairmount and President of the South Fairmount Community Council. Mr. Ellis stated from a community standpoint he found the process to be somewhat difficult. The overlay maps furnished to South Fairmount Community Council did not show anything to compare the existing zoning with the proposed. One of the main concerns is that the boundaries are not consistent with the community boundaries which he made known to the staff and sent communication to Ms. Moertl.

Ms. Moertl stated that the maps provided to the communities were based on CNAS boundaries which is why the maps may not match what a community might expect.

Hank Wagner, 3020 Daytona, 45211, questioned why Penrose Avenue from Boudinot to the cul-de-sac is SF-4 and most of the surrounding areas are SF-6. Concerned the east side of Hazelwood is zoned SF-4 and the property on Urwiler adjacent to Hazelwood is zoned SF-6. Mr. Wagner feels that the east side of Hazelwood should be upgraded to SF-6.

Mr. Wagner is concerned about a parcel that is about three and one-half acres that abuts Kroger, Judson Village and some apartments on Harrison near the intersection of McHenry and Harrison that could be developed under the existing code. Mr. Mooney stated that the sooner the new code and maps are passed; the sooner everyone will have to comply with the new provisions. Mr. Mooney asked if Mr. Wagner spoke with staff about this parcel. Ms. Moertl responded that staff would have to review this at the office.

Bruce Richards, 521 W. Martin Luther King, 45220, stated that it seems the new code allows smaller lots which allows for mixed-income neighborhoods. Mr. Richards questioned this process if a group of neighbors get together and request their zoning to be changed. Mr. Mooney responded that their request would be taken into consideration when drawing the maps.

Marzetta Goldsmith, 264 Goodrich Lane, 45233, expressed her thanks for slowing down the process. Ms. Goldsmith asked to slow the process down further. Ms. Goldsmith stated that the professional planners could move forward in the communities and build a consensus within the communities. Ms. Goldsmith stated that the city does not have the resources for the kind of enforcement that comes with zoning. Ms. Goldsmith asked to slow down the process, get input from the communities and give them an understanding of what is happening. Ms. Goldsmith stated that Sayler Park has hills and asked how much of the hillsides are usable or how many cars can be parked there. Ms. Goldsmith suggested incorporating something into the code to define a useful life such as a fence that no longer complies with the code.

Randy Hammond, resident, Vice-president of Westwood Civic Association and a member of Westwood Concerned, stated that some great changes were made to the maps. Mr. Hammond stated that in some areas it is very difficult to create contiguous areas. Mr. Hammond stated that Westwood Civic has submitted a list of properties to Mr. Kurtz for consideration regarding contiguous areas, e.g. huge house, huge house, four-family, huge house.

Paul Rudemiller, 2951 Sidnoy Avenue, 45225, Camp Washington, stated that the few issues that Camp Washington had with the maps were resolved except for one. Mr. Rudemiller stated that a building owned by one individual located between Colerain and Henshaw is zoned B-4 in the front and the back is zoned R-5. Mr. Rudemiller stated the building has not been a problem for the last 20 years. Mr. Rudemiller stated that this year the back part of the building became a problem because cars are being painted. Camp Washington has spent a lot of money building houses and renovating on Henshaw. The new zoning code will give the individual the zoning that will permit the painting of cars while at the same time destroying an entire street of residential houses. Mr. Rudemiller stated that Camp Washington would like to see something done about the property before the new zoning code is adopted.

Ms. Moertl responded that this is an enforcement issue which should be brought to the attention of the Department of Buildings and Inspections. Mr. Efland responded that because the building is on two under one ownership, under the new code's criteria this lot fell into a commercial district. Mr. Efland stated that the new code requires a buffer between commercial and residential districts. Mr. Monzel asked if the owner petitions to make it all commercial, if that could be rezoned. Mr. Mooney responded that before finalizing the maps, there should be a certain amount of discretion. Ms. Moertl stated that the illegal use would be referred to the Department of Buildings and Inspections; the other issue is to look at what the correct zoning should be. Mr. Crowley stated that the building is on two lots and the line runs between the two lots which makes it legal.

Mr. Efland responded that the Department of Buildings and Inspections determines legal and illegal uses.

Don Kamuf, 6421 Gracely Drive, 45233, Sayler Park, stated his lot is over 20,000 square feet and the proposed map has SF-6; Mr. Kamuf wants the lots left alone. Mr. Mooney asked if the current code allows 5,000 square feet. Mr. Kurtz responded that the current zoning is R-3, Two-Family and the proposed zoning is SF-6, Single-family. Mr. Mooney stated zoning to single-family instead of a two-family district betters the current situation.

ADJORNMENT

Mr. Pepper thanked everyone for coming and stated that staff has some issues to work on. Mr. Mooney thanked everyone for coming.

Mr. Pepper adjourned the meeting.

David Pepper, Chairman
Neighborhood & Public Services Committee

Donald J. Mooney, Chairman
City Planning Commission

Date:_____

Date:_____

Margaret M. Moertl, Director
Community Development & Planning

Date:_____